

House File 2022 - Introduced

HOUSE FILE 2022

BY WOLFE

A BILL FOR

1 An Act relating to dissolutions of certain marriages which were
2 solemnized in the state.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.2, Code 2014, is amended to read as
2 follows:

3 **598.2 Jurisdiction and venue.**

4 1. The district court has original jurisdiction of the
5 subject matter of this chapter. Venue shall be in the county
6 where either party resides.

7 2. Notwithstanding any provision to the contrary, the
8 district court has original jurisdiction of the dissolution
9 of a marriage solemnized in this state, notwithstanding that
10 the residence of the petitioner and respondent are not in
11 this state, if neither the petitioner nor respondent resides
12 in a jurisdiction that by law affirmatively permits such a
13 proceeding to be brought in the courts of that jurisdiction.
14 If neither the petitioner nor respondent for a dissolution of
15 marriage under this subsection resides in the state, a petition
16 for dissolution of the marriage shall be filed in the county in
17 which the parties were married. Unless otherwise provided in
18 this chapter, any action for dissolution of marriage under this
19 subsection shall be subject to the laws of this state.

20 Sec. 2. Section 598.5, subsection 1, Code 2014, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. 1. Notwithstanding and in lieu of any
23 provision of this subsection to the contrary, if the residence
24 of the petitioner and the respondent are not in this state,
25 allege that the court has jurisdiction of the dissolution of
26 marriage pursuant to section 598.2, subsection 2, and state the
27 residence of the petitioner and the respondent.

28 Sec. 3. Section 598.9, Code 2014, is amended to read as
29 follows:

30 **598.9 Residence — failure of proof.**

31 If Unless the court has jurisdiction of the dissolution
32 of marriage pursuant to section 598.2, subsection 2, if the
33 averments as to residence are not fully proved, the hearing
34 shall proceed no further, and the action be dismissed by the
35 court.

1 Sec. 4. Section 598.10, subsection 2, Code 2014, is amended
2 to read as follows:

3 2. The court may make such an order when a claim for
4 temporary support is made by the petitioner in the petition, or
5 upon application of either party, after service of the original
6 notice and when no application is made in the petition;
7 however, no such order shall be entered until at least five
8 days' notice of hearing, and opportunity to be heard, is given
9 the other party. Appearance by an attorney or the respondent
10 for such hearing shall be deemed a special appearance for the
11 purpose of such hearing only and not a general appearance. An
12 order entered pursuant to this section shall contain the names,
13 birth dates, addresses, and counties of residence, unless
14 inapplicable pursuant to section 598.2, subsection 2, of the
15 petitioner and respondent.

16 Sec. 5. Section 598.21, subsection 8, Code 2014, is amended
17 to read as follows:

18 8. *Necessary content of order.* Orders made pursuant to
19 this section need mention only those factors relevant to the
20 particular case for which the orders are made but shall contain
21 the names, birth dates, addresses, and counties of residence,
22 unless inapplicable pursuant to section 598.2, subsection 2, of
23 the petitioner and respondent.

24 Sec. 6. Section 598.21A, subsection 2, Code 2014, is amended
25 to read as follows:

26 2. *Necessary content of order.* Orders made pursuant to
27 this section need mention only those factors relevant to the
28 particular case for which the orders are made but shall contain
29 the names, birth dates, addresses, and counties of residence,
30 unless inapplicable pursuant to section 598.2, subsection 2, of
31 the petitioner and respondent.

32 Sec. 7. Section 598.21B, subsection 4, Code 2014, is amended
33 to read as follows:

34 4. *Necessary content of order.* Orders made pursuant to
35 this section need mention only those factors relevant to the

1 particular case for which the orders are made but shall contain
2 the names, birth dates, addresses, and counties of residence,
3 unless inapplicable pursuant to section 598.2, subsection 2, of
4 the petitioner and respondent.

5 Sec. 8. Section 598.21C, subsection 8, Code 2014, is amended
6 to read as follows:

7 8. *Necessary content of order.* Orders made pursuant to
8 this section need mention only those factors relevant to the
9 particular case for which the orders are made but shall contain
10 the names, birth dates, addresses, and counties of residence,
11 unless inapplicable pursuant to section 598.2, subsection 2, of
12 the petitioner and respondent.

13 Sec. 9. Section 598.21F, subsection 7, Code 2014, is amended
14 to read as follows:

15 7. *Necessary content of order.* Orders made pursuant to
16 this section need mention only those factors relevant to the
17 particular case for which the orders are made but shall contain
18 the names, birth dates, addresses, and counties of residence,
19 unless inapplicable pursuant to section 598.2, subsection 2, of
20 the petitioner and respondent.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to dissolution of marriage proceedings.
25 Under current law, the district court has original jurisdiction
26 over dissolutions of marriage, with venue being in the county
27 where either party resides, and, unless the respondent is a
28 resident of the state and is served by personal service, the
29 petitioner must verify that the petitioner has resided in the
30 state in good faith and not for the purpose of obtaining a
31 dissolution of marriage only, for the last year. The bill
32 provides that notwithstanding any provision to the contrary,
33 the district court has original jurisdiction of the dissolution
34 of a marriage solemnized in this state, notwithstanding that
35 the residence of the petitioner and respondent are not in

1 this state, if neither the petitioner nor respondent resides
2 in a jurisdiction that by law affirmatively permits such a
3 proceeding to be brought in the courts of that jurisdiction.
4 If neither the petitioner nor respondent for a dissolution of
5 marriage under the bill resides in the state, any petition for
6 dissolution of the marriage shall be filed in the county in
7 which the parties were married. Unless otherwise provided, any
8 action for dissolution of marriage under the new provision is
9 subject to the laws of this state. The bill provides that if
10 the residence of the petitioner and the respondent are not in
11 this state, instead of providing the county of residence of the
12 respondent and alleging residency in the state for one year,
13 the petitioner is to allege that the court has jurisdiction of
14 the dissolution of marriage under the new provision and state
15 the residence of the petitioner and the respondent. The bill
16 also makes conforming Code changes where references are made to
17 stating a county of residence.